IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appellant:	Vetelainen	Examiner:	Jones, S.
Serial No.:	10/743,372	Group Art Unit:	3714
Filed:	December 22, 2003	Docket No.:	NKO.024.A1
Confirmation No.:	9337	Customer No.:	76385
Title:	Electronic Gaming Device and Method of Initiating Multiplayer Game		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being transmitted to the U.S. Patent and Trademark Office via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4) on October 28, 2008.

By: /Rennae Johnson/
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APPELLANT'S STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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Dear Sir:

This statement is presented by Appellant in compliance with the USPTO OG Notice of 12 July 2005, on the New Pre-Appeal Brief Conference Pilot Program. Appellant is requesting a pre-appeal brief conference on the belief that the rejections of record are clearly not proper and are without basis. Appellant's request is based upon a clear legal or factual deficiency in the rejections, rather than an interpretation of the claims or the prior art teachings. As such, Appellant believes this request for pre-appeal brief review is appropriate.

The sole § 102(b) rejection is based on the teachings of U.S. Patent No. 5,558,339 to Perlman (hereinafter "Perlman").

The primary purpose for submitting this particular request for review concerns omissions of essential elements required for a *prima facie* anticipation rejection. Although each of the independent claims is rejected in the final Office Action (dated May 28, 2008) in view of the Perlman reference, Perlman does not teach several of the claimed limitations.

The example limitations at issue for purposes of this request for review relate to displaying contact information of at least one user of at least one other gaming device on the display of an electronic gaming device. To establish a *prima facie* § 102(b) rejection of at least independent Claims 15, 19, and 23, these limitations must be present in Perlman.

In direct contrast to this requirement of a *prima facie* § 102 rejection, the Examiner acknowledges at pages 3 and 5 that "the number [asserted as corresponding to the claimed contact information] is not displayed or made readily accessible to the other player" (emphasis added). Then the Examiner asserts on page 4 that "whether the phone number is shown to the users or not is immaterial" in the teachings of Perlman, which directly contradicts the requirements of a § 102(b) rejection since these limitations are present in Claims 15 and 19-28. Because the asserted art admittedly does not teach these limitations of the claims, the § 102(b) rejection is clearly improper.

Perlman also does not teach or suggest a single electronic gaming device that stores contact information of at least one user of another gaming device, receives a response to a gaming request sent by the device, and starts a game in multiplayer mode in response to that response being positive. In direct contrast, Perlman teaches a system where gaming devices rely upon a third party server to review contact information and link the remote devices. How this different approach fails to correspond to the claimed limitations may be illustrated using the following chart, using Claim 1 as an example.

Appellant's Claim Limitations Directed to a Single Electronic Device	Perlman
a memory to store contact information of at least one user of the at least one other gaming device, the information including data about the multiplayer capable games supported by the at least one other device	server 88 receives and reviews the country code, area code and telephone number of logged-in users (Col. 11, lines 15-17 and step 4, described at 22-40)
a controlling unit configured to send a gaming request to the at least one other gaming device, the request containing an invitation to play a game supported by both devices	computer 65 (of User A) dials the local telephone number of computer 66 (of matched User B) (Col. 12, step 7, described at lines 20-23)
a controlling unit configured to start the game in a multiplayer mode in the device responsive to the positive response	computers 65 and 66 play their twitch two-player video game (Col. 12, step 9, described at lines 45-50)

Perlman's system requires that a separate server 88, not one of the gaming devices (computers 65 and 66), review the contact information of the gaming devices; therefore, none of the devices discussed in Perlman corresponds to each of the claimed limitations.

Moreover, none of the devices in Perlman has been shown to teach storing contact information, as claimed. Rather, Perlman teaches that a server reviews contact information of logged-in users but makes no mention of storing the users' contact information. Also, Perlman has not been shown to teach a device storing data about the multiplayer capable games supported by another user's computer as part of stored contact information.

Instead of teaching storing contact information in a user's device, Perlman specifically teaches that a phone number (asserted as corresponding to the claimed contact information) of the gaming device being contacted (computer 66/User B) will not be revealed to the user making the contact phone call. *See, e.g.*, Col. 12, lines 14-16 and Col. 13, lines 29-31, 37. Further, Perlman teaches that the caller ID will be deactivated to prevent User B from receiving contact information for User A (Col. 13, lines 39-43). Thus, Perlman fails to teach an electronic gaming device, as claimed. Without a presentation of correspondence to each of the claimed limitations, the § 102(b) rejection is improper.

Correspondence to several limitations of the dependent claims has also not been presented. Specifically, no teachings have been identified in Perlman as corresponding to the following limitations: sending a negative response to a gaming request (Claims 9 and 28), a terminal of a cellular radio system (Claim 11), associating a quick gaming number including an address of another gaming device with at least one key of a gaming device and interpreting the press of the key (Claims 17 and 18), and sending a gaming request using a messaging application (Claim 22). Without an assertion of correspondence to each of the claimed limitations, a *prima facie* § 102 rejection has not been presented.

In addition to the above deficiencies in the teachings of Perlman, several other limitations of the dependent claims have not been shown to correspond to teachings of Perlman.

For example, no portion of Perlman has been identified as teaching a game displayed in the displayed contact information is selected and a gaming request is sent on the basis of the selection, as claimed in Claims 3 and 20. Perlman has not been shown to teach that displayed contact information includes data about the games supported by another device as discussed

above, and no teachings have been identified that a gaming request is sent based upon detecting a selection of a game in the contact information.

Also, no teachings have been identified in which Perlman teaches use of an event log of sent and received gaming requests that is stored in the device as claimed in Claims 7 and 25. The asserted reports of connection problems at columns 15 and 16 of Perlman fail to correspond to the claimed event log as these reports are collected by server 88 and not stored in a device that sends a gaming request and starts the game responsive to a positive response to the request. Moreover, reports of connection problems have not been shown to correspond to a log of sent and received gaming requests.

Moreover, no citations have been provided for where Perlman teaches including information about a predetermined timeout limit with a gaming request as claimed in Claims 8 and 26. The mere giving up by a computer on a connection after a period of time as taught at column 14, line 51 though column 15, line 6, does not provide correspondence to including a predetermined timeout limit in a gaming request.

Further, no portion of Perlman has been identified as teaching blocking gaming requests, as claimed in Claims 10 and 24. The asserted call forwarding features merely allows a user to mask a phone number by transferring a modem call (asserted as correspond to the claimed gaming request) to another phone number. This feature does not block the receipt of the call but instead changes how the call is received.

It is respectfully submitted that there is an omission of an essential element needed for a *prima facie* anticipation rejection. Perlman admittedly does not teach or suggest at least displaying contact information of at least one user of at least one other gaming device on the display of an electronic gaming device; however, Perlman is solely relied upon in support of the rejection. Because Perlman does not involve or otherwise address displaying contact information of at least one user of at least one other gaming device on the display of an electronic gaming device, Appellant believes these claim limitations are improperly being overlooked, and consequently there is an omission of an essential element(s) required for a *prima facie* rejection.

It is Appellant's position that the Examiner's reliance on Perlman is inappropriate as Perlman does not at least address displaying contact information of at least one user of at least one other gaming device on the display of an electronic gaming device.

Appellant believes that this statement, when viewed together with the prosecution history, sets forth clear grounds for a finding that the rejection based upon Perlman is improper and without basis.

The undersigned is of record and with authority to prosecute the appeal on behalf of the Assignee.

Respectfully submitted,

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